# REMARKS

**[0001]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-10 are presently pending. No claims are amended. Claims withdrawn or cancelled herein are: 11 - 21. No new claims are added.

## Formal Request for an Interview

**[0002]** If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0003]** Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

# Substantive Matters

## Claim Rejections under §§ 102 and/or 103

**[0004]** The Examiner rejects claims 1, 4, 5 and 8 under § 102. For the reasons set forth below, the Examiner has not shown that the cited references anticipate the rejected claims.

**[0005]** In addition, the Examiner rejects claims 1-4, 7, 9 and 10 under § 103. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

**[0006]** Accordingly, Applicant respectfully requests that the § 102 and/or § 103 rejections be withdrawn and the case be passed along to issuance.

**[0007]** The Examiner's rejections are based upon the following references alone and/or in combination:

- **Fischer:** *Fischer, et al.,* US Patent No. 6,141,423 (issued October 31, 2000);
- **Hoffman:** *Hoffman, et al.,* US Patent No. 5,613,012 (issued March 18, 1997); and
- **Ault:** *Ault, et al.,* US Patent No. 5,974,566 (issued October 26, 1999); and
- **Patel:** *Patel, et al.,* US Patent No. 6,438,690 (issued August 20, 2002).

## Overview of the Application

**[0008]** The present application describes secured distributed impersonation within batch message transaction systems. See lines 3-5 of p. 1. A batch system processes a set of requests (a batch) together over a network of computing devices (i.e., computers) during periods of low activity, such as overnight, when requests aren't received as frequently. See lines 17-20 of p. 1.

The application describes a computer without an account containing the proper resources (originating account) to process a batch or a section of a batch to impersonate an account on another computer in the network that contains the proper resources (network account), which may include an account on the dispatch (batch account) or an account on another device in the network (agent account). The originating account sends a request for the network account credentials (such as a password to the network account) needed to initiate the processing to a dispatch within the network, which authenticates the originating account and sends an encrypted emblem including the network account credentials, given that the unencrypted request from the originating account is authentic. The dispatch may send or remote an emblem including account credentials of the batch account to the originating account. An additional option is for the dispatch to field the request of the originating account by proxy logging onto an agent account to send or remote the emblem with the network account credentials to the originating account. See lines 7-23 of p. 3 and 1-12 of p.4. The emblems are only valid for a limited amount of time to prevent security flaws. See line 23 of p. 14.

## Cited References

**[0009]** The Examiner cites Fischer as the primary reference in the anticipation- and/or obviousness-based rejections. The Examiner cites Hoffman, Ault, and Patel as secondary references in the obviousness-based rejections.

*Fischer*

**[0010]** Fischer describes a method for effectively reducing or eliminating the risk of the inadvertent betrayal towards an owner of escrowed digital secrets by a trustee. The escrowed digital secrets are encrypted for security and include the owner's identification information as well as secret information (such as Swiss bank account information) that could potentially harm the owner if an imposter were to obtain the secret information. In the event that the owner forgets the private key to access his escrowed digital secrets, the owner contacts the trustee with an encrypted request to view the escrowed digital secrets, or to be given the private key enabling the owner to decrypt and view the escrowed digital secrets himself. To assure the owner is authentic and not an imposter, the trustee requires certain credentials that identify the alleged owner (e.g., the identification information contained within the escrowed digital secrets) before granting the alleged owner the escrowed digital information. If the credentials are insufficient, the alleged owner can be recognized as an imposter and be denied of the initial request, or the trustee can require the alleged owner to supply additional credentials. If the credentials are sufficient, then the escrowed

digital information or the private key is granted to the proven owner. See Fischer Background and Summary of the Invention.

*Hoffman*

**[0011]** Hoffman teachess a tokenless identification system and method for authorization of transactions and transmissions. See Hoffman Abstract. The tokenless identification system primarily relies on comparing biometric samples gathered from an unknown user to previously recorded biometric samples of the same type.

To add a financial asset account, an individual requests to add the financial asset account and attempts identify himself with biometric samples and a given identification code. After the individual is properly identified, the identification code and request to add the financial account are forwarded to an issuer terminal and submitted to the bank database via a batch request. The database then returns the identification code and an answer to the request to add the financial account back to the individual. See Hoffman col. 39 line 55 through col. 40 line 11.

*Ault*

**[0012]** Ault teaches a method and apparatus for providing persistent fault-tolerant proxy login to a web-based distributed file service (DFS). See Ault Abstract. To access DFS files through a web browser, a web server uses a

session manager to perform a proxy distributed computing environment (DCE) login. The session manager provides the web server credentials to securely access the DFS files with a valid DCE user identity. See col. 1 line 51 through col. 2 line 20 of Ault.

*Patel*

**[0013]** Patel teaches a secure end-to-end communications system including a vault controller based registration application (registration application). The registration application manages the issuance and administration of digital certificates used in electronic commerce of the secure end-to-end communications system. See Patel Abstract. Digital certificates certify authenticity of an individual, software application, organization, etc. In other words, digital certificates certify the sender. See col. 2, lines 5-8 of Patel. The digital certificates are intended to expire, therefore, for convenience, notifications are sent to certificate holders to renew their certificate(s) before they expire. See col. 8, lines 23-26 of Patel.

# Anticipation Rejections

**[0014]** Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.[1] Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.[2]

## Based upon Fischer

**[0015]** The Examiner rejects claims 1, 4, 5 and 8 under 35 U.S.C. § 102(e) as being anticipated by Fischer. Applicant respectfully traverses the rejection of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

### *Independent Claim 1*

**[0016]** Applicant submits that Fischer does not anticipate this claim because it does not disclose the following elements as recited in this claim (with emphasis added):

- "sending a **request** for **network account credentials** from an originating account associated with an unpublished object at a dispatch associated with a published object, the request directed to the

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[1] "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

[2] See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

published object associated with the dispatch includes identification of the unpublished object associated with the originating account;"

- "**authenticating** the **originating account** at the dispatch; and,"
- "upon authenticating the originating account, sending an **emblem** that **includes** an object and credential, for a **network account** to the originating account, the emblem sent to the unpublished object associated with the originating account and having the identification as included with the request."

**[0017]** The Examiner indicates (Action, p. 2-3) the following with regard to this claim:

> As per claim 1, Fischer discloses sending a request for network account credentials from an originating account associated with an unpublished object at a dispatch associated with a published object, the request directed to the published object associated with the dispatch includes identification of the unpublished object associated with the originating account (see column 10 lines 14-42); authenticating the originating account at the dispatch (see column 11 lines 4-16); and, upon authenticating the originating account, sending an emblem that includes an object and credential, for a network account to the originating account, the emblem sent to the unpublished object associated with the originating account and having the identification as included with the request (see column 12 lines 12-18 and Figures 4 and 6).

**[0018]** Applicant presents that Fischer does not provide a method where there is a request for network account credentials (i.e., a password to the network account). Fischer's method describes an applicant (originating account) requesting to access escrowed digital secrets containing identification information of the owner as well as secret information that is encrypted under a private key, meaning that the request is for information pertaining to the originating account, not the network account.

**[0019]** Fischer's method authenticates the originating account based off of the identification information in the escrowed digital secrets the trustee already has. The present invention does not use this identification information to authenticate the originating account.

**[0020]** The Action presents that the emblem sent to the applicant in the Fischer method includes an object and a credential for a network account. However, the emblem in the Fischer method includes only the escrowed secret information, not information to access a network account.

**[0021]** Consequently, Fischer does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

*Dependent Claims 4, 5, and 8*

**[0022]** These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim

which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**[0023]** Claim 5 further recites "the emblem comprises a token including account credentials of a network account." The Action presents that there is an emblem in the Fischer method; however, the emblem in the Fischer method only includes escrowed secret information and fails to include account credentials of a network account.

**[0024]** Claim 8 further recites "the network account for which the emblem is sent from the dispatch to the originating account comprises an agent account of an agent. The Applicant defines an agent account as a network account that is on device other than the originating account or the dispatch. Fischer's method only includes communication between applicant and trustee, failing to mention any agent account.

# Obviousness Rejections

## Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

**[0025]** Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

## Based upon Fischer

**[0026]** The Examiner rejects claims 2-4 under 35 U.S.C. § 103(a) as being unpatentable over Fischer. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

### *Dependent Claims 2-4*

**[0027]** These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**[0028]** Dependent claim 2 recites "the request is unencrypted." The Action states that "both the request and emblem are encrypted (in the Fischer method)," but "it would have been obvious for the request to be unencrypted."

The Action presents that processing unencrypted requests is faster, however, the request in the Fischer method includes personal identification information of the owner, which would pose a major security threat in the form of identity theft if the request was sent unencrypted.

**Based upon Fischer and Hoffman**

**[0029]** The Examiner rejects claims 6-7 under 35 U.S.C. § 103(a) as being unpatentable over Fischer, in view of Hoffman. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

*Dependent Claims 6-7*

**[0030]** These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**[0031]** Dependent claim 6 recites "the network account for which the emblem is sent from the dispatch to the originating account comprises a batch account of the dispatch." The Action presents that it would have been obvious to include a batch account in the Fischer system. However, the Applicant defines the batch account to be an account on the dispatch. The batch account of the

Fischer method, in view of Hoffman, would be a batch request of account changes, therefore both Fischer and Hoffman fail to mention the batch account, as defined by the Applicant.

**[0032]** Dependent claim 7 recites "sending an emblem for the network account to the originating account comprises remoting a batch account to the originating account, such that the emblem comprises an emblem for the batch account. Applicant presents the arguments presented support of claim 6, in support of claim 7, with the addition that both Fischer and Hoffman fail to mention remoting a batch account.

**Based upon Fischer and Ault**

**[0033]** The Examiner rejects claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Fischer, in view of Ault. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

*Dependent Claim 9*

**[0034]** This claim ultimately depends upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, this claim may also be allowable for additional independent reasons.

**[0035]** Dependent claim 9 recites "proxy logging on the agent; and, remoting an agent account to the originating account upon proxy log on to the agent." The Action presents that Ault teaches such proxy logging; however, Fischer's fails to include an agent account. Furthermore, both Fischer and Ault fail to include remoting an agent account upon proxy logging.

**Based upon Fischer and Patel**

**[0036]** The Examiner rejects claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Fischer, in view of Patel. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

*Dependent Claim 10*

This claim ultimately depends upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable.

**Dependent Claims**

**[0037]** In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the

Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

## Conclusion

**[0038]** All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**. Please call or email me or my assistant at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

/Emmanuel A. Rivera/ Dated: October 6, 2008

Emmanuel A. Rivera (emmanuel@leehayes.com; 512-505-8162)
Registration No. 45760
Customer No. **22801**

Telephone: (509) 324-9256
Facsimile: (509) 323-8979
www.leehayes.com